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MAR 20 2008

HAROLD BAER  
U.S. DISTRICT JUDGE  
S.D.N.Y.

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March 19, 2008

**BY HAND DELIVERY**

The Honorable Harold Baer, Jr.  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Jaymia Davis, et al. v. The City of New York, et al.  
08 CV 01988 (HB)

Your Honor:

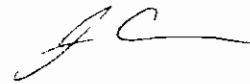
I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney assigned to the defense of the above referenced matter. I write to respectfully request an extension of time from March 19, 2008 until May 19, 2008 to answer or otherwise respond to plaintiffs' complaint on behalf of defendant City of New York. In addition, if Your Honor is inclined to grant this request, defendant also respectfully requests an adjournment of the initial conference, presently scheduled for April 3, 2008 at 12:00 p.m., to a date and time convenient to the Court after issue has been joined. Although plaintiffs will not be prejudiced if Your Honor is inclined to grant the relief requested herein, plaintiffs' counsel, David Zelman, Esq., will only consent to a thirty day enlargement of time for defendant to respond to plaintiffs' complaint.

In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need time to investigate the allegations of the complaint. Plaintiffs Jaymia Davis, Pamela Thomas, Brandon Thompson, and Corey Poindexter allege that, at approximately 3:30 a.m., on or about July 14, 2007, an altercation took place at a club, "Café 400," in Brooklyn. According to plaintiffs' complaint, members of the New York City Police Department arrived and dispersed the crowd. Plaintiffs maintain that they were instructed to "wait for their rides on the corner." Plaintiffs further maintain that, while waiting for their rides, they were assaulted by unknown members of the NYPD. As a result of this alleged assault, plaintiffs claim they suffered physical injury. Specifically, plaintiff Thomas claims that she was pushed to the ground by an officer causing trauma to her back, arms, and right leg. Plaintiff Davis claims she was "stuck multiple times" with a baton. Plaintiff Thompson also claims he was struck by a baton. Finally, plaintiff Poindexter claims he was struck by an officer's baton numerous times in the

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"head, ribs, and back," ultimately leading to a concussion. Plaintiff Poindexter further claims that he was falsely arrested for disorderly conduct, as the underlying criminal charge brought against him was later dismissed. Accordingly, it is necessary for defendant to acquire as much information as possible concerning this matter in order to properly assess the case and respond to the complaint. To that end, this office is in the process of forwarding to plaintiff Poindexter for execution a N.Y.C.P.L. §160.50 release so that we can access the sealed records from his underlying criminal prosecution, including the criminal court, District Attorney's file, and even our own police records. In addition, all four plaintiffs will also be sent HIPAA compliant medical releases for their execution so that we may access all of their relevant medical records.

Accordingly, defendant City of New York respectfully requests that its time to respond to the complaint be extended to May 19, 2008. In addition, if Your Honor is inclined to grant this request, defendant also respectfully requests an adjournment of the initial conference to a date and time that is convenient to the Court after issue has been joined. Thank you for your consideration of these requests.

Respectfully submitted,

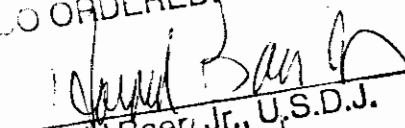


Jessica T. Cohen (JC 0044)  
Assistant Corporation Counsel

cc: David Zelman, Esq. (by first-class mail)  
Attorney for Plaintiffs

*May 19 is C K  
but certainly as far as I  
am likely to go*

SO ORDERED

  
Harold Baer, Jr., U.S.D.J.

Date: 3/21/08